

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LLOYD C. PARKER,

Plaintiff

v.

JO ANNE B. BARNHART,

Defendant

Civil Action No. 05-5211

**ORDER**

July 10, 2006

Upon consideration of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The plaintiff's Motion for Summary Judgment is GRANTED, IN PART.
3. The defendant's Motion for Summary Judgment is DENIED.
4. The decision of the Commissioner is VACATED, and this matter is REMANDED for further proceedings.

BY THE COURT:

\_\_\_\_\_/s/ Louis H. Pollak\_\_\_\_\_  
LOUIS H. POLLAK J.